

UNITED STATES DISTRICT COURT

for the

District of Massachusetts

Eastern Division

|   |   |          |                   |
|---|---|----------|-------------------|
| MICHAEL BUSH; LINDA TAYLOR; LISA<br>TIERNAN; KATE HENDERSON; ROBERT EGRI;<br>KATALIN EGRI; ANITA OPTIZ; MONICA<br>GRANFIELD; ANN LINSEY HURLEY; IAN<br>SAMPSON; SUSAN PROVENZANO; JOSEPH<br>PROVENZANO,<br><i>Pro Se Plaintiffs</i> | ) | Case No. | 1:21-cv-11794-ADB |
| VS.   | ) |          |                   |
| LINDA FANTASIA; MARTHA FEENEY-PATTEN;<br>ANTHONY MARIANO; CATHERINE<br>GALLIGAN; JEAN JASAITIS BARRY; PATRICK<br>COLLINS; DAVID ERICKSON; TIMOTHY<br>GODDARD; TOWN OF CARLISLE; JOHN DOE;<br>JANE DOE<br><i>Defendants</i>          | ) |          |                   |

June 22, 2022

By USPS Priority Mail to:

John J. Davis  
10 Post Office Square, Suite 1100N  
Boston, MA 02109  
jdavis@piercedavis.com

Hi John,

On May 6<sup>th</sup>, 2022 several of us Plaintiffs served the 1<sup>st</sup> sets of interrogatories on Defendant Martha Feeney-Patten and the Board of Health member Defendants. In our May 17<sup>th</sup>, 2022 Fed. R. Civ. P. 26(f) teleconference you stated that you considered that day of May 17<sup>th</sup> to be the effective date of service of those interrogatories. Though I believe May 6<sup>th</sup> was both the official and effective date of service, in the interest of minimizing disputes and smoothly proceeding with discovery we agreed that the Defendants' answers to those interrogatories would be due 30 days from May 17<sup>th</sup>, which was June 16<sup>th</sup>.

Per Fed. R. Civ. P. 33(b)(4) and Local Rule of Civil Procedure 33.1(c)(1), by failing to serve any objections within 30 days of service of the interrogatories, the Defendants have waived all objections to the interrogatories. Please serve the Defendants' complete answers to those first sets of interrogatories by July 1<sup>st</sup>, 2022.

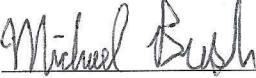
Enclosed with this letter are the 1<sup>st</sup> interrogatories to the Town of Carlisle and the 2<sup>nd</sup> interrogatories to the Board of Health member individual Defendants.

Pursuant to Local Rule of Civil Procedure 26.1(a)(1) that encourages “informal, cooperative discovery practices in which counsel provide information to opposing counsel without resort to formal discovery procedures”, we would like to request copies of the below numbered documents from each of the Defendants within 30 days without resort to a formal Request for Production of Documents. The term “document” is defined to be synonymous in meaning and equal in scope to the usage of this term in Fed. R. Civ. P. 34(a). As we addressed before in writing and by phone, in MA “If you communicate with another individual in your official capacity or exchange information about matters under your board’s purview, for instance, you may create a public record even if you use your personal email, voicemail or video recording to transmit that information... A common misunderstanding exists that communications on personal email accounts or via text messages are not subject to the public records law. This is incorrect as all board-related communications are subject to public disclosure.” See <https://www.mass.gov/info-details/guide-for-members-of-public-boards-and-commissions-chapter-9>

1. Email and/ or other types of messages and their attachments concerning COVID-19 (and any synonyms such as covid, coronavirus, SARS-CoV-2, etc.) from 2020 to present.
2. Documents from 2020 to present concerning actual and/or proposed mandates/orders/etc. relating to communicable and/or infectious disease.
3. Documents from 2020 to present concerning face masks and/or coverings.
4. Bills, invoices, statements, receipts, and equivalent documents concerning the costs/expenses of this lawsuit. (These are public records but we understand that tangential communication such as unrelated content in the email messages used to transmit the bills may be covered by attorney-client privilege and thus may need to be redacted.)

Please let us know promptly if and by when the Defendants will produce copies of those documents in accordance with Local R. Civ. P. 26.1(a)(1).

Thank you,

  
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